IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1253 OF 2006

Raman Lala Patel, .. Applicant.
Vs
The State of Maharashtra & Anr. .. Respondents.

Mr H.H.Ponda, for the applicant.
Mr G.R.Agarwal, for the Union of India.
Ms. M.H.Mhatre, for the State.

CORAM : D.B.BHOSALE,J.
DATE : MAY 05, 2006.
PC:

1. Heard the learned counsel for the parties.

2. This is the third application for being released on bail in Sessions Case No.2 of 2003 arising out of the crime registered by Daman Police Station bearing no.5/2003 against the applicant and others for allegedly committing offences punishable under sections 302, 120B read with 34 of Indian Penal code and sections 25 and 27 of the Arms Act. The first application,bearing no.1594 of 2004 was rejected by this Court vide order dated 24.6.2004 on merits and the second application bearing no.3393 of 2004 was rejected vide order dated 28.9.2004 in view of the order dated 21.9.2004 rejecting the application filed by co-accused Kartarsingh Raghuvirsingh being criminal application no.3206 of 2004. While rejecting the application of Kartarsingh Raghuvirsingh on 21.9.2004, the

following order was passed:

> "Learned P.P.points out that the trial of the case can proceed from next week. The trial court has deferred the recording of evidence because application for bail has been filed in this Court by several accused from time to time. Learned P.P. also assures that if the trial commences next week, it can proceed on day to day basis and will conclude within 3 to 4 months from the commencement of trial. If it is so, the appropriate course, to my mind, is to direct the trial court to proceed with the trial forthwith and conclude the same preferably within six months from today. The applicant and other accused will extend full co-operation for early disposal of the trial. If the trial is not concluded within six months from today, inspite of co-operation extended by all the accused, it will be open to the applicant to approach this Court by way of fresh application for bail. Application disposed of on the above terms."

3. Before entering into the merits of the case, I asked the learned counsel for the parties the stage of the trial when I was informed that about 13 witnesses out of 48 have already been examined. I was informed that the Sessions Court at Daman is available for transacting judicial work only one week in each month and during that week also he takes criminal matters including the instant case only one or two days in a week and with this speed the trial is not likely to get over for quite some time. I am also informed that from September, 2004 till this date the prosecution has sought extension thrice of the timeframe within which the learned Judge was expected to complete the trial as per the order dated 21.9.2004. The last such extension was granted by this Court vide order

dated 10.4.2006 in Criminal Application No.1168 of 2006 and the time extended is expiring some time at the end of August, 2006. Against this backdrop, on my query to the Registrar (Judicial) I was informed that the Judicial Officer, who is presently posted for Div, Daman and Silvasa, had already been transferred and a new Judge has been posted there. I was also informed that since only one learned Judge will be incharge of Diu, Daman and Silvasa, he also would not be able to spare more than one week at Daman where the instant case is pending. However, the Registrar (Judicial) informed me that if the Court directs to depute a judicial officer especially for the instant case, such arrangement can be made. In view of this, I deem it appropriate to pass the following order.

(i) The Registrar General to depute a Sessions Judge for a period of three months to hear exclusively the instant case on day-to-day basis and complete the trial within three months from the first date of hearing of the case.

(ii) Parties and their lawyers are expected to cooperate to complete the hearing of the case during the time stipulated.

(iii) In this view of the matter, Mr Ponda, learned

counsel for the applicant, does not press the instant application. However, he seeks liberty to file fresh application if the trial does not get over within the time stipulated by this order. The application is disposed of as not pressed, with liberty as prayed for.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.)